

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

NIDIA VALENTIN VEGA

PLAINTIFF

V.

**ROBERT EVER TULP;
ALLSTATE INSURANCE COMPANY;
ABC INC.**

DEFENDANTS

CIVIL NO:

**COMPLAINT FOR DAMAGES
PLAINTIFFS DEMAND
TRIAL BY JURY**

COMPLAINT

TO THE HONORABLE COURT:

COMES NOW PLAINTIFF, Nidia Valentín Vega, through her undersigned legal representation and very respectfully STATES and PRAYS as follows:

I. THE PARTIES

1. Plaintiff Nidia Valentín Vega is of legal age and resident of Portales de Camaseyes Bldg. #2, apartment 15, Aguadilla, Puerto Rico 00603.
2. Upon information and/or knowledge co-defendant Robert Ever Tulp (hereinafter Mr. Tulp) is of legal age and resident of 10234 Rising Hill, Silverdale, Washington D.C. 98383.
3. Co-defendant Allstate Insurance Company, (herein after AllState) is registered as an Illinois corporation; it is engaged among other things in the auto insurance business and at the time of the facts that give rise to the present complaint was co-defendant's insurer and is liable for the damages caused to plaintiff. Its Corporate Headquarters are located at 2775 Sanders Road, Northbrook, IL 60062.

4. ABC, Inc. is the person or entity who might be liable for Plaintiff's damages and is yet to be known.
5. For all purposes herein after, the term "employees" may also refer to co-defendant AllState agents or representatives.

JURISDICTION AND VENUE

6. This Court has original jurisdiction over the subject matter of this action pursuant to *28 U.S.C §1332* (diversity jurisdiction).
7. This Court's Supplemental Jurisdiction is also called upon pursuant to *28 U.S.C. §1367* to hear the Commonwealth law claims under *31 P.R.L.A §1802* for damages caused by defendant's fault and/or negligence that are directly related to the claim over which this court has original jurisdiction and that form part of the same case or controversy under Article III of the United States Constitution.
8. Venue is proper pursuant to *28 U.S.C §1391 (a) (2)*.
9. This is a civil action brought on behalf of Plaintiff who is seeking monetary compensation for the damages suffered as a consequence of defendants' negligent behavior.

THE FACTS

10. On June 24, 2006, around 4:00 in the afternoon, Plaintiff was driving motor vehicle Buick Regal license plate number CCU-272, property of Plaintiff's father, on Road #2, towards the exit to Corazones Avenue in Aguadilla, Puerto Rico.
11. At said date, time and place co-defendant Robert Ever Tulp was driving a 2006 Chevrolet Blazer license plate number GCK-001 property of Budget Car Rental. Co-

defendant's car was positioned immediately behind Plaintiff towards the same direction.

12. Mr. Tulp did not take the necessary precautions while driving, he did not keep proper distance from Plaintiff's car and as a result he impacted Plaintiff from behind, causing a car accident and Plaintiff serious injuries.

13. The parties contacted the Puerto Rico State Police who investigated the scene and determined that Mr. Tulp caused the accident. The incident was reported under number #06-10-103-6726.

14. As a result of Mr. Tulp's negligent behavior, Plaintiff suffered pain due to the following physical injuries she received: cervical sprain, cervical disc bulges at C5-6 with superimposed cervical sprain, cervical root irritability at C7 and C8, suggested cervical radiculopathy, lumbosacral sprain, lumbar disc herniation with anterior tear at L5-S1, S1 lumbar radiculopathy, moderate/moderately severe left Carpal Tunnel Syndrome, severe right Carpal Tunnel Syndrome.

15. Plaintiff has required surgery.

16. Plaintiff has incurred in \$46,382.06 dollars in medical expenses up to January 13, 2009.

17. From September 24, 2006 thru January 16, 2010 Plaintiff has sent many letters to Mr. Jeff Grammater, who is co defendant's AllState employee or authorized representative appointed to Plaintiff's claim. Plaintiff has complied with providing AllState with all requested information, medical bills and documentation. Despite Plaintiff's diligence and good faith all intents to recover from co-defendant's Tulp insurance company have been unconstructive and ineffective.

WHEREFORE, Plaintiff respectfully prays that this Honorable Court: (1) Assume jurisdiction; Issue the Summons herein submitted; (2) Award \$500,000.00 for the pain and suffering, physical damages, reimbursement of medical expenses and mental anguish suffered by Plaintiff; (3) Award Plaintiff costs and reasonable attorneys fees; (4) Award such other relief as the court deems just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 1 day of February 2010.

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